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Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Note verbale dated 22 January 2004 from the Permanent Mission of Ireland to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Ireland to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to transmit herewith the report requested in paragraph 6 of Security Council resolution 1455 (2003) of 17 January 2003 (see annex).

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Annex to the note verbale dated 22 January 2004 from the Permanent Mission of Ireland to the United Nations addressed to the Chairman of the Committee

Report of Ireland submitted pursuant to paragraph 6 of resolution 1455 (2003)

I. Introduction

1. Ireland is not aware of any direct activity by Usama Bin Laden, Al-Qaida or the Taliban within its jurisdiction. Ireland has in its jurisdiction an individual associated with Al-Qaida who appears on the Consolidated List. There are also in the jurisdiction a number of individuals who are sympathetic to and support Islamic extremism, without direct links to Al-Qaida or the Taliban.

II. Consolidated List

2. The 1267 Committee's List has, via Council Regulation (EC) No. 881/2002 and amending regulations, been incorporated within Ireland's administrative structure (EC Regulations have direct effect in Ireland without the need for national implementation measures). The Garda Siochana (Ireland's national police service) also acts as the national immigration service, and the List and any amendments thereto are maintained within the national police service's immigration bureau.

The consolidated list and amendments are transmitted to the Garda National Immigration Bureau (GNIB) for inclusion on their Information system – 'Watch List'- which is available to immigration officers at ports of entry to the State. It should also be noted that Irish immigration law allows for a non-national to be refused leave to land in the State where his/her entry into or presence in the State would pose a threat to national security or would be contrary to public policy.

3. Translational difficulties, combined with the lack of information exchange between States, also makes identification of the names and nomenclatures included on the Consolidated List problematic. The inclusion of photographs, if available, would also assist in identification.

4. The individual referred to in paragraph 1 has been the subject of appropriate action with regard to his finances and financial activity.

5. Although we continue to monitor the activities of a number of subjects with links to Islamic extremism to date, we cannot definitely link any of these subjects to the Taliban or Al-Qaida. If this situation changes, we will submit names of persons or entities associated with the Taliban or Al-Qaida, provided that doing so does not compromise any investigation or prosecution.

6. The individual referred to in paragraph 1 currently has a legal action against the European Council.

7. Ireland will provide additional information with regard to the individual referred to in paragraph 1, if and when the information becomes available.

8. Section 3 of the Criminal Law Act 1976 makes it an offence for any person to recruit, incite or invite another person to join an unlawful organization or to take part in, support or assist in its activities, liable on conviction to a sentence of up to ten years. Section 6 of the Offences Against the State (Amendment) Act, 1998 provides for the offence of instructing or training, or receiving instruction or training, in the making or use of firearms or explosives, liable to a fine or a sentence of up to ten years if convicted, or both.

These provisions will be strengthened and enhanced by the Criminal Justice (Terrorist Offences) Bill, 2002, which is currently before Parliament. Section 51 of the Criminal Justice (Terrorist Offences) Bill, 2002, provides for a new offence of knowingly rendering assistance to an unlawful organization, liable on conviction to a fine or a sentence of up to 8 years if convicted, or both. This Bill also extends the application of the relevant provisions of the Offences Against the State Acts 1939-1998 to terrorist groups whether based in or outside the State.

III. Financial and Economic Assets Freeze

9. The sanctions provisions of the relevant resolutions are implemented under EU Regulations which have direct legal effect in Ireland. Council Regulation (EC) No. 881/2002 of 27 May 2002 imposes measures against al-Qaida and Taliban. Council Regulation (EC) No. 2580/2001 of 27 December 2001 specifies restrictive measures to combat terrorism. These regulations are currently enforced in Ireland by means of Ministerial Orders under domestic legislations, viz. the Financial Transfers Act, 1992 and the European Communities Act, 1972. There are no impediments under existing laws in these respects. Part 4 of the Criminal Justice (Terrorist Offences) Bill, 2002 (referred to above) will give effect to the UN Convention for the Suppression of the Financing of Terrorism. It will permit, inter alia, the confiscation, freezing and forfeiture of funds used or intended for use in financing the commission of terrorist acts, in line with the Convention.

10. The Department of Foreign Affairs and the Central Bank and Financial Services Authority of Ireland are the two competent authorities for Ireland under the above mentioned Council (EC) Regulations. In that capacity they report directly to the European Commission and, in collaboration with the Department of Finance, the Department of Justice, Equality and Law Reform and the Garda Siochana, they apply the measures and mechanisms necessary to identify and investigate the assets, individuals and entities reported within the jurisdiction.

11. The Banks and other financial institutions are required to search their records and confirm to the Central Bank that they have done so in respect of the individuals and entities named under EU Regulations. These searches are usually carried out and reported on by the Compliance and Money Laundering Officers in the institutions concerned. Any difficulties are referred to the Central Bank for direction. The Central Bank reports directly to the Commission (EC) as required under the particular regulations.

12. Under Council (EC) Regulation No. 881/2002, Ireland has reported to the Commission (EC) the names of 6 individuals who maintained a total of 9 accounts which are now frozen. The aggregate current value of funds frozen is approximately €90,000. Enquiries are continuing to confirm the identities of two of these names. Another named individual currently has a legal action against the European Council. No funds or other economic resources have been frozen under Council Regulation (EC)2580/2001. Problems with

identifiers and verifying identities remain the most significant difficulties encountered in the freezing of funds.

13. No funds, financial assets or economic assets that had previously been frozen as being related to Usama Bin Laden or members of Al-Qaida or the Taliban or associated individuals or entities have been released by Ireland pursuant to resolution 1452 (2002). However, in August 2003, Ireland applied for, and received, sanction from the 1267 Committee which would allow for social welfare payments to be made to the individual referred to in paragraph 1 to meet the basic needs of his family in accordance with the criteria set out in paragraph 1(a) of resolution 1452 (2002). In December 2003 Ireland received sanction from the 1267 Committee to increase the levels of payment to this individual in line with national budget increases.

14. The Central Bank and Financial Services Authority of Ireland, acting under the delegated authority of the Minister for Finance, advises, directs and receives reports from the various bodies in the financial system in relation to all additions or changes to the EU Sanctions Regulations and/or listings thereunder. The Bank also requests cooperation in respect of individuals or entities identified on similar listings received from other countries seeking cooperation in relation to the combating of terrorism. All official communications to and responses from the financial system are in writing while many advisory or informal contacts take place by telephone or at meetings. The FATF special recommendations on terrorist financing or alternative remittance ('hawala' banking) and non-profit organizations – such as charities – are being implemented progressively.

The Criminal Justice Bill (2002) when enacted will give legal effect to the UN Convention for the Suppression of the Financing of Terrorism which will meet the requirements of that convention and accordingly have more general application to the financing of terrorism in keeping with the provisions of the Convention. Regulations have recently been made under the Criminal Justice Act 1994 which effectively extend the existing Money Laundering provisions to a range of profession, professional practice and additional investment activities.

In addition, the Central Bank and Financial Services Authority of Ireland Bill (No. 2) 2003 will, as currently drafted and when enacted, provide for the enhanced supervision and regulations of a range of alternative money transmission activities. The Government is committed to ensuring the introduction of comprehensive legislation on the regulation of charities and charitable fundraising in line with the recognition of the need for a more modern legal framework in this area. The work of reviewing the legislation is under way by the relevant Department and discussions have been held with the Law Reform Commission who will commence an examination of charity law which will identify the necessary legal reforms.

IV. Travel Ban

15. Irish Immigration law allows for a non-national to be refused leave to land in the State where his/her entry into or presence in the State would pose a threat to national security or would be contrary to public policy. The names and details from the Consolidated List have been entered on the 'Watch List' on the Garda National Immigration Bureau Information system. Immigration officers at ports of entry have access to this list in making a decision on granting leave to land to non-nationals.

16. The names of the listed individuals have been entered on the national stop list known as 'Watch List'. Immigration officers at points of entry have access to this list. No problems have been encountered to date.

17. The Garda National Immigration Bureau database is updated on receipt of updates or amendments to the List. The database can be accessed at all approved points of entry by immigration officers.

18. Ireland is not aware of any attempts by any of the listed individuals to enter or transit its territory.

19. The consular offices of the Department of Foreign Affairs handle most visa applications on behalf of the Department of Justice, Equality and Law Reform. The Consolidated List has been transmitted to the Visa Section of the Department of Justice, Equality and Law Reform (and circulated to the consular offices) for consultation prior to issuing visas. There is no record of the granting of a visa to any individual named on the list since the list has been established.

V. Arms Embargo

20. Exports of all arms/military items from Ireland are subject to an export licence requirements under the Control of Exports Act, 1983. The Control of Exports Order, 2000 (made under the 1983) Act sets out the list of such items that are subject to export control. Weapons of Mass Destruction (WMD) are not covered by the list, which is essentially limited to conventional weapons and associated goods and technology.

The basis for Ireland's controls on WMD is Council Regulation 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology. The Regulation contains a detailed list of dual-use items and technology that are subject to export licence requirements. Moreover, the Regulation's "catch-all" clause allows an EU Member State to impose an export licence requirement on non-listed dual-use items if the exporter is aware or has been informed by the authorities that the items in question may be used in connection with WMD.

21. A fine or three times the value of the goods, whichever is the greater, and/or imprisonment for a term not exceeding two years, may be imposed for a breach of the Control of Exports Act, 1983. The penalty may be applied in circumstances where false or misleading information was provided for the purpose of obtaining an export licence. A fine and/or imprisonment not exceeding 12 months may be imposed for a breach of the dual-use regulations. In addition, a fine or three times the value of the goods may be imposed under the Customs Act of 1956 if Military or dual-use are exported without a licence.

22. Ireland does not currently have national legislation in place covering arms brokering activities.

23. Ireland is not a producer of weapons or ammunition. There are, however, a small number of companies that produce, as part of their general production, components specifically designed for military end-use. Applications to export these items are subjected to the strictest examination and satisfactory end-use assurances are required in all cases before a license will be granted.

VI. Assistance and conclusion

24. Please see Ireland's Directory of Assistance submitted to the United Nations Counter-Terrorism Committee (http://domino.un.org/ctc/CTCDirectory.nsf)

25. No areas identified